

EXCERPTS FROM THE MINUTES
OF A REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF HELENA, ALABAMA.

The City Council of the City of Helena, Alabama met in regular public session at the City Hall in the City of Helena, Alabama at 7:00 o'clock P.M. on July 21, 1997.

The meeting was called to order by the Mayor, and the roll was called with the following results:

Present: Charles Penhale, Mayor
Billy D. Harris
John L. Bearden, Jr.
Tom Lefebvre
Connie Brady
Jerry D. Pate

Absent: None

The Mayor stated that a quorum was present and that the meeting was opened for the transaction of business.

The Mayor stated that legislation has been enacted by the Alabama Legislature pursuant to subsection (f) of Amendment No. 373 to the Constitution of Alabama of 1901 authorizing the City Council of the City of Helena to levy, in addition to any other tax, an ad valorem tax in the amount of ten (10) mills on each dollar of taxable property in the City, the revenue from said additional tax to be paid to the City General Fund to be used for Public Safety and Public Park and Recreation purposes; and that the said increase in the rate of tax as provided by said act of the Alabama Legislature is subject to the approval of a majority of the qualified electors of the City of Helena who vote on the proposed increase at the next General, Primary, Constitutional or Special Election held for that purpose; that in order for an election to be held in the City of Helena regarding said proposed tax increase, the following ordinance was introduced in writing, read in full and considered by the City Council:

ORDINANCE NO. 528-97

AN ORDINANCE TO CALL AND PROVIDE FOR A SPECIAL
MUNICIPAL ELECTION TO BE HELD IN THE CITY OF HELENA,
ALABAMA, ON TUESDAY, SEPTEMBER 23, 1997, REGARDING A
PROPERTY TAX INCREASE FOR PUBLIC SAFETY AND
PUBLIC PARK AND RECREATION PURPOSES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HELENA, ALABAMA (the "City"), as follows:

Section 1. A special municipal election is hereby called to beheld in the City on Tuesday, September 23, 1997, for the purpose of permitting the qualified electors of the City to vote on the following question:

Shall the City of Helena, Alabama, pursuant to the general provisions of the Constitution and laws of the State of Alabama, levy, in addition to any other tax, an ad valorem tax in the amount of ten (10) mills on each dollar of taxable property in the City to be used for Public Safety and Public Park and Recreation purposes within the City, to be levied and collected annually at the uniform rate of One and No/100 Dollar (\$1.00) on each One Hundred and No/100 Dollars' (\$100.00) worth of taxable property in the City of Helena, Alabama, pursuant to the provisions of Amendment No. 373 to the Constitution of Alabama, 1901, and other provisions of law, said tax, if authorized in conformity with the aforesaid Amendment, and the laws of the State of Alabama, to be levied and collected annually beginning with the levy for the tax year October 1, 1997 to September 30, 1998 (the tax for which will be due and payable October 1, 1998), said levy and collection, if authorized, to operate to increase the present ad valorem tax rate in the City of Helena by ten (10) mills to be placed in the General Fund of the City of Helena, Alabama, to be used exclusively for Public Safety and Public Park and Recreation purposes.

_____ For proposed taxation

_____ Against proposed taxation

Section 2. The Helena Municipal Center is hereby designated as the voting center for the voting by qualified electors in the City, at which voting place there shall be provided one or more voting machines for use by said electors.

Section 3. The Mayor shall give notice of said special municipal election by posting notices thereof in three (3) public places in the City. Such notice shall be posted on or before Tuesday, July 22, 1997, and shall remain so posted until after said election.

Section 4. The polls will be open for voting at 7:00 A.M. and will close at 7:00 P.M. on the date of the election.

Section 5. The City Council, not less than fifteen (15) days prior to said election, shall appoint from the qualified electors of the respective voting center, officers to hold the election and from the qualified electors of the City such election officers as required with respect to absentee ballots, all in accordance with the applicable provisions of law. The Mayor shall publish a list of the election officers so appointed by posting a list thereof showing the voting place and the election officers appointed therefor at three (3) public places in the City at least ten (10) days prior to the election. The Mayor shall notify the inspectors, clerks and returning officers of their appointment. The conduct of the election shall conform in all respects to the applicable provisions of law, including Sections 11-46-28 et seq. of the Code of Alabama 1975.

Section 6. Voting by absentee ballot shall be as provided for and required by Code of Alabama 1975 and applicable provisions thereof; that on-site absentee balloting shall be conducted by the City as required by law on Saturday, September 13, 1997, at the Helena Municipal Center between the hours from 8:00 a.m. to 5:00 p.m. and on Tuesday, September 16, 1997, between the hours from 8:00 a.m. to 5:00 p.m.; that any qualified elector of the City who will be unable to vote at his or her regular polling place at the Helena Municipal Center because of said elector's absence from the city on the day of the aforesaid Special Municipal Election may obtain and cast an absentee ballot by appearing in person at the Helena Municipal Center, the absentee voting location, on Saturday, September 13, 1997, or on Tuesday, September 16, 1997, between the hours from 8:00 a.m. to 5:00 p.m. on each of said dates, and upon complying with the requirements of law pertaining thereto. Any qualified elector of the City (i) who will be out of the city on all of the following days: election day, the Saturday ten (10) days prior to the date of said election, and the Tuesday of the week immediately preceding the date of said election, or (ii) who has any physical illness or infirmity which prevents his or her attendance at the polls, whether he or she is within or without the city on the day of the election, or who works on a shift which has at least ten hours which coincide with the hours the polls are open at his or her regular polling place, (iii) who is enrolled as a student at an educational institution located outside the county of his or her personal residence attendance at which prevents his or her attendance at the polls, or (iv) who is a member of or spouse or dependent of a member of the armed forces of the United States, or (v) who has been appointed as an election officer or named as a poll watcher at a polling place other than his or her regular polling place may apply for and vote an absentee ballot by mail or by hand delivery, as provided in Sections 17-10-5 and 17-10-9, Code of Alabama 1975, as amended, in the above said Special Municipal Election, provided he or she makes an application in writing therefor not less than five (5) days prior to said election in which he or she desires to vote as authorized herein. An applicant for an absentee ballot who is a member of the armed forces of the United States, including the Alabama National Guard, United States Naval Reserves, the United States Air Force Reserves, and the United States Military Reserves on active duty training or an applicant who is the spouse of any member of the armed forces may make application for an absentee ballot by filling out the federal postcard application form, authorized and provided for under the provisions of "The Federal Voting Assistance Act of 1995," Public Law 296, Chapter 656, H.R. 4048, approved August 9, 1995, 84th Congress 1st Session, and otherwise as provided by law; that notice of on-site absentee balloting as provided herein be given by posting hereof in three (3) public places within the municipality, one of which shall be at the United States Post Office or the Mayor's Office in the City of Helena.

Section 7. The Mayor shall cause to be made a list of qualified electors who reside within the corporate limits of the City and who are registered to vote in such election as required by the provisions of Section 11-46-36 of the Code of Alabama 1975, which list shall be certified and filed with the City Clerk on or before September 1, 1997, and the City Clerk shall file and retain such list as a public record in her office and shall publish the same at least five (5) days prior to said special municipal election to be held on September 23, 1997, by posting copies thereof in at least three (3) public places in the City.

Section 8. A school of instruction shall be held for those who will conduct said election and the City Clerk shall notify those persons who have been appointed election officials of the time and place of holding same and publish notice thereof at least forty-eight (48) hours before the same

is to be held.

Section 9. The City Council of the City of Helena shall constitute a board to canvass the returns and declare the results of said special municipal election and shall meet not later than 12:00 noon on Wednesday following the election, at which time they shall canvass the returns and declare the results of said election.

Section 10. The record of results of said election as ascertained by the City Council acting as a board of canvassers shall be recorded in the minutes of said meeting of the City Council.

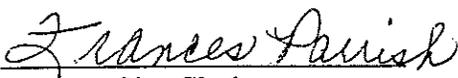
Section 11. Said election shall be held in all respects as directed and required by and in conformity with the laws of the State of Alabama applicable to special and (where appropriate) regular municipal elections.

Adopted this 21st day of July, 1997.



Mayor

SEAL

ATTEST: 

City Clerk

It was moved by Councilman John L. Bearden, Jr. that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended, and that unanimous consent to the immediate consideration of said ordinance be given. The motion was seconded by Councilman Jerry Pate and was unanimously carried, those voting aye being:

Ayes: Charles Penhale, Mayor
Billy D. Harris
John L. Bearden, Jr.
Tom Lefebvre
Connie Brady
Jerry D. Pate

Nays: None

The Mayor declared the motion carried.

After said ordinance had been discussed and considered in full by the Council, it was moved by Councilman Connie Brady that said ordinance be now placed upon its final passage and adopted. The motion was seconded by Councilman Tom Lefebvre. The question being put as to the adoption of said motion and the final passage and adoption of said ordinance, the roll was called with the following results:

Ayes: Charles Penhale, Mayor
Billy D. Harris
John L. Bearden, Jr.
Tom Lefebvre
Connie Brady
Jerry D. Pate

Nays: None.

The Mayor thereupon declared said motion carried and the ordinance passed and adopted as introduced and read.

It was moved and seconded that the meeting be adjourned. Motion carried.

MINUTES APPROVED:

Charles Penhale
Charles Penhale, Mayor

Billy D. Harris
Billy D. Harris, Councilman

John L. Bearden, Jr.
John L. Bearden, Jr., Councilman

Tom Lefebvre
Tom Lefebvre, Councilman

Connie Brady
Connie Brady, Councilwoman

Jerry D. Pate
Jerry D. Pate, Councilman

SEAL

ATTEST: James Parish
City Clerk

CERTIFICATE OF CITY CLERK

I, the undersigned, do hereby certify that I am the duly elected, qualified and acting Clerk of the City of Helena, Alabama (the "City"). I do further certify that: as Clerk of the City I am authorized to make certified copies of its records on its behalf: the above and foregoing is an exact compared copy of excerpts from the minutes or a regular meeting of the City Council of the City duly held on July 21, 1997, in so far as the same relate to calling an election with respect to the proposed levy of an ad valorem tax to be used exclusively for Public Safety and Public Park and Recreation purposes, the original of which minutes is on file and of record in the minute book of the City Council in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the City and have affixed the official seal of the City, this 21st day of July, 1997.

Frances Parrish
Clerk, City of Helena

SEAL

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Adopted this 21st day of July, 1997.

B. D. Lewis
Mayor - P. L. Lem

SEAL

ATTEST: James Parrish
City Clerk

C E R T I F I C A T E

July 21, 1998

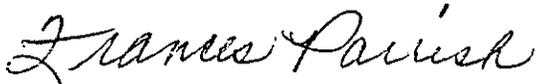
I, Frances Parrish, duly appointed and acting clerk for the City of Helena, hereby certify the within Ordinance #528-97 has been posted in three public places within said city on the above date, specifically listed below:

Mayor's Office

BP Oil- Coosa Mart

U.S. Post Office

Signed:



Frances Parrish, CMC
City Clerk/Treasurer